

REMARKS:

In the Office Action mailed June 19, 2008, Examiner Deshpande rejected claims 1-10 and 17-25. A response was filed on October 20, 2008, since an Interview could not be scheduled prior to the extended due date with Examiner Zimmerman who was newly assigned to the present application.

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First of all, Applicants would like to thank Examiner Zimmerman for taking the time to conduct an Interview on October 22, 2008. Set forth below are points of discussion addressed during the Interview.

Further, Applicants respectfully request that the Examiner contact the undersigned for any necessary clarification of the invention after reviewing this response, before acting on the case, in order to expedite prosecution of the application.

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For convenience of the Examiner, Applicants have reiterated the points made in the Response filed on October 20, 2008.

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No new matter is presented. Claims 11-16 remain cancelled. Thus, claims 1-10 and 17-25 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1-10 and 17-25 remain rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0002502 (Maes) in view of U.S. Patent Application Publication No. 2003/0061211 (Shultz).

The claimed invention includes "article data having features extracted from an article picture", "an order in which said article picture is to be sent", determining similarities between features "in response to an article search by a user" and "display positions of search resultant article pictures on a screen of the user terminal... independent of the data sending rank", as recited for example in claim 1. See claims 17, 19 and 21-25 reciting similar features.

Specifically, the data sending rank defining "an order in which the pictures are sent" and article picture arrangement data defining "display positions" are "independent" of one another (see claims 1, 17, 19 and 21-25).

For example, data sending rank of pictures of products A, B and C may specify an order where a picture of product C is sent first followed by picture of product A then product B, while the article picture arrangement data indicates display positions such that the pictures of products A and B are displayed first and in closer proximity than the picture of product C. This may mean that the data sending rank which is an order for sending the pictures may be determined by a user prior to a search and the arrangement data indicating display positions for the pictures may be determined based on similarities of features of the products after the search.

Maes and Shultz, alone or in combination, do not teach or suggest “data sending rank defining an order in which the pictures are sent” and “article picture arrangement data” defining “display positions” which are “independent” of one another, as recited in claim 1 for example. See also claims 17, 19 and 21-25.

Instead, Maes calculates similarity between an article specified in a query by a user and search results and arranges the search results in a decreasing order of similarity to the article specified by the user (see, paragraphs 27 and 62). That is, Maes only provides products with similar attribute value after the user make a selection from search results.

The Examiner appears to rely on Shultz as teaching determining “similarities of resultant article pictures”, “data sending rank” and displaying in accordance with “the article picture arrangement data”, as taught by the claimed invention. However, Shultz is limited to sorting only based on criteria retrieved from the database such as location, advertising information and business information (see, paragraph 60). Shultz does not teach or suggest “data sending rank [which is] an order in which said article picture is to be sent” that is determined prior to receiving “an article search by a user” and is “independent” of the article picture arrangement data.

Moreover, there is no teaching in Shultz regarding the claimed order for “sending” the results of the search and another order for “displaying” pictures contained in the results, as taught by the claimed invention.

It is therefore respectfully submitted that the independent claims are patentably distinguishable over Maes and Shultz. Claims depending from the independent claims include all of the features of that claim plus additional features which are not disclosed by Maes and Shultz. For at least these reasons, claims depending from independent claims are patentably distinguishable over Maes and Shultz.

Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

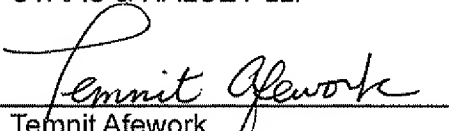
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 11/03/2008
1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

By: 
Temnit Afework
Registration No. 58,202